

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lazaro Despaigne Borrero,

Civil No. 07-1100 (RHK/FLN)

Petitioner,

ORDER

v.

United States of America,

Respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated February 15, 2007, all the files and records, and after a de novo review of Petitioner's Objections, **IT IS ORDERED:**

1. The Objections (Doc. No. 7) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 5) is **ADOPTED**;
3. Petitioner's application for a writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1) is **DENIED**;
4. Petitioner's Motion for Appointment of Counsel (Doc. No. 2) is **DENIED**;
5. Petitioner's Motions for leave to proceed in forma pauperis (Doc. Nos. 3 and 6) are **DENIED**; and
6. This action is **SUMMARILY DISMISSED** for lack of jurisdiction.

Dated: March 16, 2007

s/Richard H. Kyle _____
RICHARD H. KYLE
United States District Judge